

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

[PROPOSED] ORDER

This matter comes before the Court on Non-Party Adobe Inc.’s (“Adobe”) Motion and Specific Objections with Proposed Redactions to the Parties’ Proposed Trial Exhibits. (ECF No. ____). In the Fourth Circuit, “before a district court may seal any court documents, . . . it must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

Upon consideration of the objections and proposed redactions to the public use of Google’s exhibits: DTX 386, DTX 506, DTX 1015, DTX 1839, DTX 1891, DTX 1892, DTX 1893, DTX 1943, DTX 1955, DTX 1982, DTX 1991, DTX 2122, DTX 2123, DTX 2124, and Appendix Sections X.A. and X.B to the Expert Report of Mark Israel, and to the public use of DOJ’s exhibits: PTX 1308, PTX 1309, PTX 1388, PTX 1389, PTX 1432, PTX 1433, PTX 1434, and PTX 1435, and pursuant to Local Civil Rule 5 and the standards set forth in *Ashcraft*, the Court finds that the proposed redactions are necessary to protect non-party Adobe’s competitively sensitive information. Further, Adobe’s proposal of limited redactions properly balances its interests against

the public's interest in access to judicial records.

For these reasons, it is hereby

ORDERED that Adobe's Motion and Objections with Proposed Redactions (ECF No. __) is GRANTED; it is further

ORDERED that Google maintain under seal the entirety of DTX 386, DTX 508, DTX 1015, DTX 2122, DTX 2123, and DTX 2124; it is further

ORDERED that Google redact from DTX 1839 all references to Adobe in the chart and "Sources" section of Figure 18 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1891 all references to Adobe in the chart and "Sources" section of Figure 74 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1892 all references to Adobe in the chart and "Sources" section of Figure 75 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1893 all references to Adobe in Figure 76 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1943 all references to Adobe in the chart and "Sources" section of Figure 130 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1955 all references to Adobe in the chart and "Sources" section of Figure 142 such that Adobe's data is anonymized; it is further

ORDERED that Google redact from DTX 1982 the information in the "Spending" and "% of spending" columns, as well as all references to Adobe in the title and "Sources" section of Table 15; it is further

ORDERED that Google redact from DTX 1991 all references to Adobe in the table and the "Sources" section of Table 24, as well as the values in the "Spending" and "%" columns associated with Adobe; it is further

ORDERED that Google redact all references to Adobe in Appendix Sections X.A. and X.B such that Adobe's data is anonymized; and it is further

ORDERED that DOJ redact all references to Adobe in PTX 1308, PTX 1309, PTX 1388, PTX 1389, PTX 1432, PTX 1433, PTX 1434, and PTX 1435 such that Adobe's data is anonymized.

Entered this ___ day of _____, 2024

Alexandria, Virginia

The Honorable John F. Anderson
United States Magistrate Judge